

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 2643
)	
NELSON, Michael, <i>et al.</i>)	Examiner: WOO, Stella
)	
Serial No.: 10/816,735)	RESPONSE TO THE NON-
)	FINAL OFFICE ACTION
)	DATED JUNE 14, 2006
Confirmation No.: 1390)	
)	
Filed: 04/02/2004)	
)	
Atty. File No.: 34000/008)	
)	
Title: "Method and Apparatus for)	
Increasing the Reliability of an)	
Emergency Call Communication)	
Network")	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit a Terminal Disclaimer to Obviate a Provisional Double
Patenting Rejection to address the Office Action having a mailing date of June 14, 2006.

REMARKS begin on page 2.

TERMINAL DISCLAIMER is transmitted herewith after the REMARKS section.

REMARKS

This paper is in response to the office action dated June 14, 2006 (herein the "Office Action"). In the Office Action, claims 1 – 30, 32 – 40, 42, 45 – 47 and 54 – 78 were provisionally rejected under the judicially-created doctrine of double patenting in view of claims 1 – 26, 33 – 46, 48 – 54, 56 – 57 and 60 – 69 of co-pending Application No. 10/816,633. In response, Applicants have not amended, canceled or added any claims. Thus, claims 1 – 30, 32 – 40, 42, 45 – 47 and 54 – 78 are currently pending.

Responsive to the double patenting rejection, Applicants, through their attorney, submit a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application, which is transmitted herewith.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

/Michael B. Johannesen/

Michael B. Johannesen, Reg. No. 35,557
Intrado
1601 Dry Creek Drive
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Date: June 20, 2006

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
34000/008

In re Application of: Michael Jay Nelson

Application No.: 10/816,735

Filed: April 2, 2004

For: METHOD AND APPARATUS FOR INCREASING THE RELIABILITY OF AN EMERGENCY CALL COMMUNICATION NETWORK

The owner*, Intrado, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/816,633, filed on April 2, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 35,557

/Michael B. Johannesen/

Signature

June 20, 2006

Date

Michael B. Johannesen

Typed or printed name

(630) 300-2727

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.